

APR 22 2019

CARROLL COUNTY DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

OSSIPEE
DISTRICT DIVISION

STATE

V.

JOSEPHINE AMATUCCI

CASE NUMBER 464-2018-CR
01490

MOTION TO DISMISS - NO PROBABLE CAUSE

1. ON DECEMBER 21 2018 THE DEFENDANT FILED A "MOTION TO DISMISS" WITH THIS COURT AND THE RESPONSE WAS "ARGUE AT TRIAL." JUDGE VETENZA.
2. HOWEVER, A "MOTION TO DISMISS" IS FILED TO ELIMINATE A TRIAL. AND THERE IS NO ARGUMENT INVOLVED, THIS IS NOT BASED ON FACT THIS IS BASED ON THE LAW.
3. I WAS ACCUSED OF VIOLATING RSA 631:2-A, 1 (B) WHICH REQUIRES BODILY INJURY. AND THE DEFENDANT PROVED THAT THE ALLEGED VICTIM STATED THERE WAS NO INJURY - ROBERT MALONEY.
4. THEREFORE THE COMPLAINT ACCUSING ME OF THIS CRIME WAS BASED ON FRAUD, TO MALICIOUSLY TERRORIZE ME AND TO INJURE ME. AS THE EVIDENCE WAS OBTAINED BY THE STATE THEMSELVES THAT THERE WAS NO INJURY.
5. ALSO, THE MALICIOUS BELMONT COUNTY SHERIFFS OFFICE AND THE MALICIOUS WOLFEBORO TOWN PROSECUTOR & POLICE CHIEF, FILED AN AMENDED COMPLAINT THAT REQUIRED THE DEFENDANT JOSEPHINE AMATUCCI'S SIGNATURE UNDER THE LAW. HOWEVER, THE DEFENDANT WAS NEVER NOTIFIED OF AN AMENDED COMPLAINT BEING FILED IN THE COURT, SHE WAS NEVER ASKED TO SIGN IT, IT STATED THE NARRATIVE WAS UNCHANGED, ALTHOUGH THE ORIGINAL NARRATIVE UNDER RSA 631:2-A, 1 (B) THERE IS AN INJURY, AND UNDER THE AMENDED COMPLAINT UNDER RSA 631:2-A, 1 (a) THERE IS NO INJURY. (BODILY)

4. Also, the statute ...
 STATUTE, UNDER "SIMPLE ASSAULT" CONSTITUTING
 A VIOLATION OF THE FIFTH AMENDMENT UNDER "DOUBLE
 JEOPARDY."
4. DOUBLE JEOPARDY IS CHARGING A PERSON TWICE
 FOR THE SAME OFFENSE.
8. The PROHIBITION OF THE CONSTITUTION IS NOT
 SO MUCH AS BEING TWICE CHARGED, BUT AGAINST
 BEING TWICE IN JEOPARDY, ACCUSED OF AFTER
 AN ACQUITTAL BY WAY OF AN AMENDED COMPLAINT.
9. THEREFORE THE FORM TO "AMEND COMPLAINT" HAS NOT
 BEEN FILED PROPERLY ACCORDING TO THE RULES
 OF FILING AN AMENDED COMPLAINT,
- THE NARRATIVE IS NOT THE SAME UNDER
 RSA 631:2-A1(B) AND RSA:2-A1(A);
 ONE REQUIRES BODILY INJURY, THE OTHER
 DOES NOT. THEY BOTH REQUIRE BODILY INJURY.
 - THE DEFENDANT WAS NEVER NOTIFIED
 THAT AN AMENDED COMPLAINT WAS EVER
 FILED IN THE COURT AND THEREFORE HER
 SIGNATURE OF APPROVAL WHICH IS REQUIRED
 TO AMEND THE COMPLAINT DID NOT APPEAR
 ON THE COMPLAINT.
 - NONE OF THE BOXES INDICATING THE
 CRIME SHE WAS CHARGED OF WAS MARKED.
 - THE AMENDED COMPLAINT WAS UNDER
 THE SAME STATUTE OF SIMPLE ASSAULT
 REGARDING A SINGLE ACT WHICH
 CONSTITUTES A VIOLATION OF THE 5TH AMEND.

DOUBLE JEOPARDY

WHEREFORE; THERE IS NO TRIAL. MY MOTION TO DISMISS
 DISMISSED THE ORIGINAL CLAIM STATUTE THAT I FILED
 ON DECEMBER 21, 2018, THAT THIS COMPLAINT WAS A
 CONSPIRACY BY ALL INVOLVED TO INFLECT HARM ON ME
 A RETALIATION - OF WHICH UNDER THE LAW THEY
 ARE ALL GOING TO BE ACCOUNTED FOR. THERE IS
 NO TRIAL UNDER THE VIOLATION OF THE 5TH AMEND.

RESPECTIVELY

Josephine Donatoni

C. TOWN OF MILFORD

BERKSHIRE COUNTY SHERIFFS DEPT

APRIL 22, 2019

BESIDES, IF NECESSARY TO REPEAT, THE DEFENDANT
HAS ASKED FOR A CONTINUANCE, AS THIS CASE IS GOING
TO A JURY OF MY PEERS FOR DAMAGES AVAILABLE IN
FEDERAL COURT.

^{DELETED}
MOTION GRANTED ~~DENIED~~

CM-7
Charles L. Greenhalgh, Judge

5/7/19

JUSTIA

[View the 2020 New Hampshire Revised Statutes](#) | [View Previous Versions of the New Hampshire Revised Statutes](#)

2010 New Hampshire Statutes TITLE LXII CRIMINAL CODE CHAPTER 631 ASSAULT AND RELATED OFFENSES Section 631:2-a Simple Assault.

Universal Citation: NH Rev Stat § 631:2-a (1996 through Reg Sess)

631:2-a Simple Assault. –

I. A person is guilty of simple assault if he:

(a) Purposely or knowingly causes bodily injury or unprivileged physical contact to another; or

(b) Recklessly causes bodily injury to another; or

(c) Negligently causes bodily injury to another by means of a deadly weapon.

II. Simple assault is a misdemeanor unless committed in a fight entered into by mutual consent, in which case it is a violation.

Source. 1979, 126:3, eff. Aug. 4, 1979.

Disclaimer: These codes may not be the most recent version. New Hampshire may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained on this site or the information linked to on the state site. Please check official sources.

t

Arresting Agency Case #		Agency	CARROLL COUNTY
Tracking #	TNH040194657		
Arrest Date	09/04/2019	Violation Date	08/06/2018
Arrested on Warrant	Y	Violation End Date	
Offense	631:2-A, SIMPLE ASSAULT	Violation on Or About	
Degree	MISDEMEANOR	Fingerprint Supported	Y
Inchoate			
Special condition			
Comments	EBW		

Complaint as Filed Offense (CAAFF)

Docket	464-2018-CR-01490	Violation Date	08/06/2018
Charge Id	1564240C	Violation End Date	08/06/2018
Degree	MISDEMEANOR B	Inchoate	
Offense	631:2-A,I(B). Simple Assault; BI	Court	OSSIPEE-D
Comments			

Court Disposition

Disposed Offense	631:2-A,I(A), SIMPLE ASSAULT; PHYSICAL CONTACT OR BI	Docket	464-2018-CR-01490
Degree	MISDEMEANOR B	Charge Id	1564240C
Court	OSSIPEE-D	Indicted	
Court Date	11/21/2019	Appeal	
Violation Date	08/06/2018	Violation End Date	08/06/2018

Findings

Plea Date	02/06/2019	Plea	NOT GUILTY
Finding Date	11/21/2019	Finding	GUILTY
Judge	GREENHALGH, CHARLES L		

Comments

Amended Reason

Description
VACATED

Comments

Sentence

Date	11/21/2019	Type	SENTENCED
Judge	GREENHALGH, CHARLES L		

Amended Reason

Sentence Condition

Description	Amount	Comments
-------------	--------	----------

Ref: 18-153-OF

On October 2, 2018 I received a telephone call from Chief Rondeau. He informed me he was made aware by his prosecutor, I had sent the paperwork to him for review. He said he would recommend sending Ms. Amatucci a must appear citation and avoid an actual physical custody arrest and processing. He stated it would be to the best interest in all parties to handle this case as least intrusive as possible, as previous contacts with Ms. Amatucci have caused hostility. He indicated Ms. Amatucci has always shown up at court accordingly and does not believe she would need to be bailed traditionally. He further told me the Ossipee Court allows for hand summons to be issued on Class B Misdemeanor cases.

As a result of the conversation and direction of Chief Rondeau, I will be sending Ms. Amatucci the court complaint via certified receipt mail through the US Postal Service, rather than following through with a traditional warrant arrest process. November 1, 2018 court date will be given.

The Belknap County Sheriff's Department was also asked by the Wolfeboro Police Department to prosecute this case accordingly.

Belknap County Sheriffs Department

Page: 2

NARRATIVE FOR SERGEANT WILLIAM WRIGHT

Ref: 18-153-OF

U.S. DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

AUG 12 2021

I told him I would conduct the investigation and would be forwarding the conclusion once completed.

FILED

On September 7, 2018 I responded to the Wolfeboro Solid Waste Disposal Building, 400 Beach Pond Rd Wolfeboro, NH. At approximately 0940 hours, I met with the victim of this incident:

Robert Maloney

The building office was open and had foot traffic from the busy dump day. I was told we could use the office, but might be interrupted during the interview. I began the recorded interview asking Mr. Maloney about the incident.

He informed me on August 7, 2018 at approximately 2 p.m., he was standing in the doorway of the building office. He witnessed Josephine Amatucci speaking with Supervisor Steve Champaigne about a couple of people who were making a mess with a U-Haul truck. The people had been emptying the truck and had items spread out. Ms. Amatucci was told Mr. Champaigne had already told the people they were to clean up the mess before they left. Ms. Amatucci then walked off. As short time later, Mr. Maloney was still standing in the door way when Ms. Amatucci came to him from the flank. She then pushed him on his left side with her hands, causing him to lose his balance and fall down the two stairs into the office. She followed him into the office and began yelling at Mr. Champaigne, who was already in the room. She argued about the mess caused by the U-haul truck. After a few moments she then left. Mr. Maloney told me Ms. Amatucci did not have permission to put her hands on him. He did not have any injuries as a result of this assault. He told me she had no real reason to push him and that she could have easily walked around him. We were interrupted a couple of times during the interview, with patrons of the dump. The facility was extremely busy and there was limited staff on hand.

*where he is confessing he was blocking the door to the office
and was refusing to move over if he was at the door, which he was not
at the door*

When I asked about his relationship with Ms. Amatucci and he told me he knew her from him working at the dump for the last 20 years. He said she was a frequent customer and had no idea what her concern with the U-haul truck was. His recorded statement is part of this report.

I then spoke with:

I have a RESTRAINING ORDER (Active) on his crazy mother

Lil

Joshua Nason
DoB: 12/25/93

who advised me he was a witness to the assault. Again I audio taped this interview in the same office. Mr. Nason informed me he had seen Ms. Amatucci come up to Mr. Maloney from the side. She then pushed him, causing him to fall down the stairs. She then commenced to yell at Mr. Champaigne telling him he was rude to people. She yelled for a few minutes then left. He said he left the office just after the assault. He said he did not hear of any injuries but he was aware she had no right to push him. His recorded statement is attached to this report.

I was informed Steve Champaigne was on vacation and would not be returning until the 17th. I told the employees I would be following up with him once he returned.

I went to the Wolfeboro Police Department and spoke with a Captain. He gave me an IMC printout of Ms. Amatucci's information and contacts Wolfeboro Police Department had with her over the years. I then met

TO AVOID ANY ADDITIONAL ADMINISTRATIVE FEES OR REINSTATEMENT FEES SEE REVERSE SIDE FOR INSTRUCTIONS AND PENALTY INFORMATION.

DEPARTMENT OF SAFETY
FINANCIAL RESPONSIBILITY SECTION - PBM
PO BOX 3838, CONCORD NH 03305
603-227-4010
<http://www.nh.gov/payticket>

You must come to the court indicated listed at 2:00 o'clock AM/PM on January 9,

yr 2019 to answer this complaint.

3rd Circuit District Division Ossipee

DISTRICT COURT

96 Water Village Rd #2

STREET

Ossipee

NH

STATE

03864

ZIP CODE

THE UNDERSIGNED COMPLAINS THAT THE DEFENDANT: (Please Print)

LAST NAME <u>AMATUCCI</u>		FIRST NAME <u>Josephine</u>		MIDDLE INITIAL	
ADDRESS <u>350 Gov. Wentworth Hwy</u>		CITY <u>Wolfeboro</u>	STATE <u>NH</u>	ZIP CODE <u>03894</u>	
DOB: MO <u>9</u>	DAY <u>27</u>	YR. <u>38</u>	OP LICENSE # <u>09A1J38271</u>	STATE <u>NH</u>	CLASS <u>OPR</u>
SEX <u>F</u>	RACE <u>W</u>	HEIGHT <u>508</u>	WEIGHT <u>187</u>	COLOR EYES <u>BRO</u>	COLOR HAIR <u>BLK</u>
LICENSE PRESENTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					

ON THE 6th DAY OF August YR 2018 AT 2:00 AM/PM
DID OPERATE M.V. REGISTRATION # PLATE TYPE STATE
MAKE YR TYPE

☐ COMMERCIAL VEHICLE ☐ HAZMAT ☐ 16+ PASSENGER

AT/LOCATION: Wolfeboro GPS

Upon a certain public highway, to wit - 400 Beach Pond Rd

☐ at a speed greater than was reasonable and prudent under the conditions prevailing, to wit, at a rate of m.p.h., the prima facie lawful speed at the time and place of violation being m.p.h.

Contrary to RSA 265:60 ☐ Radar ☐ Aircraft ☐ Clocked ☐ Laser

☐ traveling at a rate of m.p.h., the same being in excess of the maximum lawful speed limit of 65 m.p.h.

☐ did fail and neglect to stop the said vehicle for a certain:

☐ stop sign (contrary to RSA 265:31)

☐ traffic light (contrary to RSA 265:9) before entering intersection of:

☐ did fail and neglect to have the said vehicle inspected in accordance with the regulations of the Director of Motor Vehicles. Contrary to RSA 266:5.

☐ did fail and neglect to have said vehicle registered in accordance with law. Contrary to RSA 261:40.

☒ other: Simple Assault

Contrary to RSA (631:2-A, 1(b)) Against the peace and dignity of the State.

DOCKET #:
CHARGE ID:

Case Number: 4642018CR 1490Charge ID: 156 4240L

<input type="checkbox"/> VIOLATION	MISDEMEANOR	<input type="checkbox"/> CLASS A	<input checked="" type="checkbox"/> CLASS B	<input type="checkbox"/> UNCLASSIFIED (non-person)
	FELONY	<input type="checkbox"/> CLASS A	<input type="checkbox"/> CLASS B	<input type="checkbox"/> UNCLASSIFIED (non-person)

You are to appear at the: **3RD CIRCUIT - DISTRICT DIVISION - OSSIPEE** Court,Address: **96 WATER VILLAGE RD, BOX 2, OSSIPEE, NH**County: **Carroll**Time: 0800pmDate: January 9, 2019

NOV 20 2018

Under penalty of law to answer to a complaint charging you with the following offense:

THE UNDERSIGNED COMPLAINS THAT : PLEASE PRINT

AMATUCCI

JOSEPHINE

**OSSIPEE
DISTRICT DIVISION**

Last Name

First Name

Middle

350 GOV WENTWORTH HWY

WOLFEBORO

NH

03894

Address

City

State

Zip

F W 5 0 8

1 8 7

BROWN

BLACK

Sex Race

Height

Weight

Eye Color

Hair Color

09/27/38

09AIJ38271

NH

DOB

License #:

OP License State

☐ COMM. VEH.☐ COMM. DR. LIC.☐ HAZ. MAT.☐ 16+PASSENGER

AT: 400 BEACH POND RD, WOLFEBORO NH

On 08/06/2018 at 2:00 PM in CARROLL County NH, did commit the offense of:

RSA Name: Simple Assault; BIContrary to RSA: 631:2-A, I(B)

Inchoate:

(Sentence Enhancer):

And the laws of New Hampshire for which the defendant should be held to answer in that the defendant did:

commit the crime of Simple Assault in that she knowingly caused unprivileged physical contact to another, to wit, Robert Maloney by pushing Robert Maloney with her hands, on his upper arm/shoulder. Said offense constituting a Class B Misdemeanor;

ORIGINAL

against the peace and dignity of the State.

☐ SERVED IN HAND


Sergeant William Wright

Belknap County Sheriffs Department

Complainant Signature

Complainant Printed Name

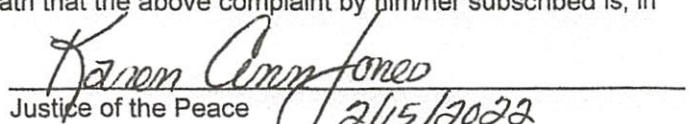
Complainant Dept.

Making a false statement on this complaint may result in criminal prosecution.

Oath below not required for police officers unless complaint charges class A misdemeanor or felony (RSA 592-A:7.I).

Personally appeared the above named complainant and made oath that the above complaint by him/her subscribed is, in his/her belief, true.

11/16/2018
 Date


 Justice of the Peace 2/15/2022

Number:

Charge ID: